



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,237	06/06/2008	Kevin Kunnen	980479.00007	1823
26710	7590	12/02/2011		
QUARLES & BRADY LLP			EXAMINER	
411 E. WISCONSIN AVENUE			QAZL SABIHA NAJM	
SUITE 2040				
MILWAUKEE, WI 53202-4497			ART UNIT	PAPER NUMBER
			1628	
			NOTIFICATION DATE	DELIVERY MODE
			12/02/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pat-dept@quarles.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,237	<b>Applicant(s)</b> KUNNEN ET AL.
	<b>Examiner</b> SABIHA QAZI	<b>Art Unit</b> 1628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 September 2011.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 5) Claim(s) 1-21 is/are pending in the application.
- 5a) Of the above claim(s) 17-21 is/are withdrawn from consideration.
- 6) Claim(s) 1-16 is/are allowed.
- 7) Claim(s) \_\_\_\_\_ is/are rejected.
- 8) Claim(s) \_\_\_\_\_ is/are objected to.
- 9) Claim(s) 17-21 are subject to restriction and/or election requirement.

#### Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

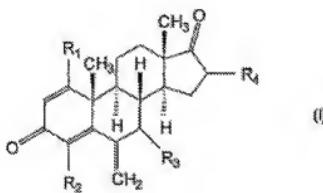
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
  - 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
  - 3) Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date, \_\_\_\_\_.
  - 5) Notice of Informal Patent Application
  - 6) Other: \_\_\_\_\_

**Ex parte Quayle Action**

Claims 1-16 are allowed. Prior art of record does not teach nor suggest presently claimed process. Closest reference is Kunen ET al. (WO 2005/070951). The reference teaches a process of making the exemestane compounds of formula (I) as in claim 1. However, the priority date is same as present application.



Kunen teaches a process of making exemestane. The reference teaches the use of deprotonating agent which includes amines and trialkylamines. See the entire document especially [0020], [0031], [0072] and examples.

The reference teaches reacting the compound (II) with a deprotonating agent and a compound of formula R<sub>5</sub>SO<sub>2</sub>X which includes methane sulfonyl chloride (MsCl) [0020] to obtain the compound of formula (III) which is then reacted with a base to form an aromatase inhibitor of formula (I) [0009] or (III) is reacted with a base solvent. Another approach is described in [0010] on page 4 where the base may be an alkali metal solvent.

The reference discloses trimethylamine

The reference also discloses an intermediate of formula (IV).

**Response to Remarks**

Applicant's response filed on 09/30/11 is hereby acknowledged. Applicants arguments are found persuasive therefore obviousness rejection is withdrawn. Applicants have elected group I (claims 1-16) without traverse drawn to process of making exemestane are allowed. Claims 17-21 are withdrawn from consideration as non-elected invention.

**COMMUNICATION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sabiha Qazi whose telephone number is (571) 272-0622. The examiner can normally be reached on any business day except Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fetterolf Brandon can be reached on (571) 272-2919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sabiha Qazi/  
Primary Examiner, Art Unit 1612

Application/Control Number: 10/586,237

Art Unit: 1628

Page 5